



Tax Division

Facsimile No. (202) 514-5238
Trial Attorney: Bartholomew Cirenza
Attorney's Direct Line: (202) 307-6503

Please reply to: Civil Trial Section, Northern Region
P.O. Box 55
Ben Franklin Station
Washington, D.C. 20044

Honorable E. Thomas Boyle
United States Magistrate Judge
The Alfonse M. D'Amato U.S. Courthouse
100 Federal Plaza
Central Islip, New York 11722

December 10, 2012

Re: United States of America v. Jeffrey Marc Rabinovici, et al.
Civil Action No. 12-0613 DRH (ETB)(E.D.N.Y.)

Dear Magistrate Judge Boyle:

By this letter, I, on behalf of plaintiff United States of America, request that the discovery period in this action be extended 75 days from December 15, 2012 through February 28, 2013. This is the second request for this purpose. One previous 45-day enlargement of time was requested by Attorney Jared Rabkin from the law firm of RheemBell & Mermelstein, LLP, who represents defendant Jeffrey Rabinovici. I have discussed this letter request with attorney Rabkin and pro se defendant Steven Rabinovici who have both advised of their consent. As good cause for allowance of this motion, I state the following.

On November 26, 2012, I served the parties with notices of intent to take the depositions of Jeffrey Rabinovici, and pro se defendant Steven Rabinovici. Those depositions were scheduled to take place this week on Wednesday, December 12, 2012, and Thursday, December 13, 2012. Prior to serving the notices, I attempted to secure available dates from the parties but was unable to contact either party. On December 10, 2012, I received a telephone call from attorney Rabkin who informed me that defendant Jeffrey Rabinovici is not available for his deposition, because his spouse is expecting her second child within a week and therefore, Mr. Rabinovici needs to be available to assist his spouse and family prior to and after the delivery. Several hours after speaking with attorney Rabkin, I contacted Steven Rabinovici by telephone and he informed me that his daughter-in-law delivered a baby sometime this afternoon, that his son is taking several weeks of maternity leave from his employer, and that Steven Rabinovici needs to assist his son and family for several weeks with the care of their newborn child. In light of the above and other scheduling conflicts, discussed below, it is anticipated that the depositions of Jeffrey and Steven Rabinovici will not likely be re-scheduled until sometime during the second week of February of 2013.

In addition to the above depositions, there are outstanding discovery responses due

- 2 -

from Jeffrey Rabinovici. Specifically, the United States requested documentation concerning payment of various carrying costs with respect to disputed property located in Montauk, New York. To date, none of the requested documentation has been produced. Alternatively, I have asked attorney Rabkin to provide me with the name(s) of the bank(s) and checking account(s) used to pay for the questioned expenses, so that I may subpoena those banks in the event Jeffrey Rabinovici is not able to locate and furnish me with any of the requested documentation.

Finally, during the first week of February, 2013, I am presently scheduled to start a week-long jury trial before Judge Glaser in Brooklyn (Skoczylas v. United States, Civil Action No. 09-cv-2035-ILG-RML (E.D.N.Y.)), and due to necessary trial prep work, I will not be able to re-schedule the depositions of Jeffrey and Steven Rabinovici during the last two or three weeks of January. Accordingly, the depositions will most likely be re-scheduled, after my trial, during the second week of February 2013.

Based on the foregoing, I respectfully request that this letter request for a 75-day enlargement of time to complete discovery be granted.

Respectfully requested,

/s/ *Bartholomew Cirenza*
Bartholomew Cirenza
Trial Attorney
Civil Trial Section, Northern Region

cc (Via CM/ECF Electronic Notification):
Jared Rabkin, Esquire

cc(via regular mail):
Steven Rabinovici
Sharon Rabinovici
JPMorgan Chase Bank